United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge			Milton I. S	hadur	Sitting Judge if Other than Assigned Judge					
CASE NUMBER			93 CR 72	7 - 1	DATE	3/6/200	0			
CASE TITLE			USA vs. Michael Disch [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature							
мотіс	ON:	[I th	n the following box (a) inc ne motion being presented	licate the party filing t	he motion, e.g., plaintiff, defen	dant, 3rd party plaintiff, and (o) state offerty the nature			
-										
DOCK	ET ENTRY	7:								
(1)	☐ F	iled mo	otion of [use listing i	n "Motion" box ខ	bove.]					
(2)		Brief in support of motion due								
(3)		Answer brief to motion due Reply to answer brief due								
(4)		Ruling/Hearing on set for at								
(5)		Status hearing[held/continued to] [set for/re-set for] on set for at								
(6)		Pretrial conference[held/continued to] [set for/re-set for] on set for at								
(7)		Trial[set for/re-set for] on at								
(8)		[Bench/Jury trial] [Hearing] held/continued toat								
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] ☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).								
(10)	recent le 92 CR '	tion-v etter, h 719 an	e must direct his re	do as Disch w equest to the Bu es remains with I this Court to r	ishes. If Disch want areau of Prisons perso a Judge Plunkett, so t evoke Disch's superv	dingly this Court is so to obtain the relief onnel. Jurisdiction over that it is for him to de ised release in 93 CR	er Disch's earlie termine whethe			
(11)	=	[For fu	irther detail see order	attached to the o	riginal minute order.]		I			
			dvised in open court.				Document Number			
	No notices required. Notices mailed by judge's staff. Notified counsel by telephone. Docketing to mail notices. Mail AO 450 form.					number of notices				
/						MAR _ 2001				
						h) A	11			
-						docksting defuty initials	//			
-	Copy to judg		rate judge.		·	3/6/2000				
			courtroom			date mailed notice				
SN			deputy's initials	Dat	e/time received in ral Clerk's Office	SN mailing deputy initials				

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF F	AMERICA, Plaintiff,)))		
v.)	No.	93 CR 727
MICHAEL DISCH,))		
	Defendant.)		

MEMORANDUM

On July 16, 1999, in the most recent action dealing with remnants of the case of defendant Michael Disch ("Disch") that had been assigned to its calendar several years ago, this Court revoked Disch's term of supervised release and sentenced him to the custody of the Bureau of Prisons for a term of a year and a day. Then in response to a later motion by Disch's attorney Joseph Lopez, Esq., this Court vacated the two-year term of supervised release that it had also ordered on July 16, but it left Disch's custodial sentence in place.

Most recently Disch has written to this Court asking that it order the Bureau of Prisons to designate Disch for halfway house treatment before the expiration of his term in custody. But what

DOCKETED MAR - 7 2000

This case had previously been intertwined for sentencing purposes with Disch's two convictions before this Court's colleague Honorable Paul Plunkett, Dkt. Nos. 92 CR 719 and 92 CR 1101.

Disch does not understand is that Congress has given the courts no power to enter such an order--once a sentence has been imposed, total control over the designation of a custodial institution and over all other aspects of the custodial sentence shifts to the Bureau of Prisons. For example, even though this Court's July 16 order had honored the request made by Disch and his counsel by including a recommendation that he be designated to serve his term at the United States Medical Center for Federal Prisoners in Springfield, Missouri, or at the Federal Medical Center in Rochester, Minnesota, or at the Federal Correctional Institution in Butner, North Carolina, the Bureau responded by stating that "We appreciate your recommendation in this case" but advising that another designation would be made.

Accordingly this Court is totally without jurisdiction-without power--to do as Disch wishes. If Disch wants to obtain
the relief identified in his recent letter, he must direct his
request to the Bureau of Prisons personnel.

One added item remains. Probation Officer Jeffrey Fleig has inquired as to whether this Court's order revoking Disch's supervised release term in this action also applied to the concurrent supervised release terms in Disch's earlier 92 CR 719 and 92 CR 1101 cases. Jurisdiction over those cases remains with

Judge Plunkett, so that it is for him to determine whether the same considerations that led this Court to revoke Disch's supervised release in 93 CR 727 should have the same effect in Judge Plunkett's two cases. For that reason, this Court is sending a copy of this memorandum to its colleague Judge Plunkett as an informational matter.

Milton I. Shadur

Senior United States District Judge

Date: March 6, 2000